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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/721,052

11/21/2003

Cyril Hourì

835-002con

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07/05/2006

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EXAMINER

HALIM, SAHERA

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

This Action is in response to communication filled on September 21, 2003.

Double Patenting

1. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

2. Claims 1-22 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-22 of prior U.S. Patent No. 6,665,715. This is a double patenting rejection.

3. The current applications has two groups of claims, group I (claims 1-11) and group II (claims 12-22). The '715 patent has two groups also, group I (claims 1-11 and group II (claims 12 -22). The claims of the present application are identical to the claims of patent '715. The mapping of the claims follows:

Present Application	Patent '715
Claim 1	Claim 1
Claim 2	Claim 2
Claim 3	Claim 10
Claim 4	Claim 11

Art Unit: 2157

Claim 5

Claim 3

Claim 6

Claim 4

Claim 7

Claim 5

Claim 8

Claim 6

Claim 9

Claim 7

Claim 10

Claim 8

Claim 11

Claim 9

Claim 12

Claim 12

Claim 13

Claim 13

Claim 14

Claim 21

Claim 15

Claim 22

Claim 16

Claim 14

Claim 17

Claim 15

Claim 18

Claim 16

Claim 19

Claim 17

Claim 20

Claim 19

Claim 21

Claim 18

Claim 22

Claim 20

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sahera Halim whose telephone number is (571) 272-4003. The examiner can normally be reached on Mondays and Thursdays from 8:30-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sahera Halim
Patent Examiner
AU : 2157

June 8, 2006


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER